**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.102 OF 2007**
**IN**
**CRIMINAL WRIT PETITION NO.958 OF 2005**

Pramod Anand Naralkar ...Applicant/orig. Petitioner

V/s.

Shri Sahadu Bhaurao Repale & Ors. ...Respondents

Mr.Girish Kulkarni with S.S.Deshmukh i/b.Anilkumar Joshi for Applicant.
Ms.Kumbhat for Respondent No.1.
Mr.Y.M. Nakhawa APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : 8th AUGUST, 2007.**

**P.C:-**

1. Heard learned counsel for the Applicant, learned counsel for Respondent No.1 and learned APP for the State.

2. Applicant is challenging the order passed by this Court dated 17/01/2006 whereby Writ Petition No.958/2005 was dismissed for non prosecution for removing the office objections regarding service on the Respondents.

3. Learned counsel for the Applicant submitted that, in fact, all the

Respondents were served and vakalatnama was also filed by the Respondents. It was submitted that, therefore, said Writ Petition was wrongly dismissed for want of prosecution. He invited my attention to the affidavit of service and remarks to show that Respondent were served.

4. In the result, Application is allowed. Delay in filing this application is condoned. Order dated 17/01/2006 dismissing the Writ Petition for want of prosecution is set aside. Writ Petition is restored to the file.

5. Learned counsel for the Respondents has filed an affidavit in which he has stated that the Respondents do not wish to pursue the private complaint which is filed by them and they would approach the Trial Court for withdrawing the complaint. Affidavit is taken on record. Liberty is granted to the Applicant/Petitioner to apply for withdrawing the Writ Petition after the complaint is withdrawn by the Complainant.

. Criminal Application is disposed of accordingly.

**V.M. KANADE, J.**